

Atty. Docket No.: VI/97-007.FWC.D.C.C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
EVANS, III et al.) Art Unit: 3737
)
Serial No.: 10/090,547)
)
Filed: March 4, 2002) Examiner: Ruth S. Smith
)
For: TOTAL SYSTEM FOR)
CONTRAST DELIVERY)

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OFFICIAL

**PETITION FOR CONSIDERATION OF
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully petition for consideration of the Information Disclosure Statement filed on March 4, 2002. A statement of facts supporting this Petition is provided below.

I. Statement of Facts

In the Office Action mailed on May 20, 2003, the Examiner stated that the above-identified Information Disclosure Statement failed to comply with 37 C.F.R. 1.98(a)(2), which requires a legible copy of each listed reference.

In the subsequent Response and Amendment filed on September 29, 2003, Applicants informed the Examiner that legible copies of the references were not required

because the present application is a continuation of a number of priority applications, which contain copies of the listed references.

Specifically, after setting forth the applications to which the present application claims priority, Applicants stated that the references listed on the Forms PTO-1449 accompanying the IDS filed on March 4, 2002, had been cited and/or disclosed in one or more of the priority applications. Further, Applicants provided copies of the front pages of priority U.S. Patent No. 6,442,418 showing that the listed references were previously considered in at least that priority application.¹ Because copies of the listed references are present in the files of one or more priority applications, pursuant to MPEP § 609(III)(A)(2) Applicants were not required to submit copies thereof with the IDS filed on March 4, 2002.

Further, in the Response and Amendment filed on September 29, 2003, Applicants also indicated that, pursuant to MPEP § 707.05, an Examiner is required to review the references cited and/or disclosed in continuing applications to which priority is claimed.

Nevertheless, after requesting the Examiner to return initialed copies of the Forms PTO-1449 with the next office correspondence, the Office Action mailed on December 3, 2003, did not address the request and rationale set forth in the Response and Amendment filed on September 29, 2003, thereby prompting this Petition.

¹ Two foreign references – CA 2,045,070 and DE 4426387 – are not listed on the front page of the '418 patent due to a Patent Office error. These two references were considered by the Examiner in the '418 patent, as shown by the Forms PTO-1449 submitted with Paper #19 and/or the Issue Notification.

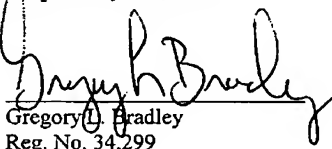
II. Request for Initialed Forms PTO-1449

In view of the foregoing, Applicants request the Examiner to consider the Information Disclosure Statement and listed references filed on March 4, 2002, and to indicate consideration thereof by initialing the corresponding Forms PTO-1449 and returning copies thereof to the under-signed attorney of record with the next office correspondence.

Because the Information Disclosure Statement referenced above complied with Sections 1.97 and 1.98, Applicants submit that no fee is due for consideration of this Petition. Nevertheless, if the office determines that a petition fee is required, Applicants authorize the Commissioner to charge the fee to Deposit Account No. 13-2530

Date: March 3, 2004

Respectfully submitted,


Gregory L. Bradley
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. 703-872-9306) on March 3, 2004.

Gregory L. Bradley
